

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14870 of Henry B. and Lucille J. McCall, pursuant to 11 DCMR 3107.2, for a variance to allow an automobile laundry without reservoir spaces for at least fifteen vehicles [Paragraph 721.2(a)] in a C-M-2 District at premises 1353 U Street, N.W., (Square 236, Lot 30).

HEARING DATES: September 28 and November 16, 1988
DECISION DATE: December 7, 1988

FINDINGS OF FACT:

1. The subject site is located on the north side of U Street, N.W. between 13th and 14th Streets at premises known as 1353 U Street, N.W. The site is zoned C-M-2.

2. The subject lot is rectangular in shape with a width of approximately 19.45 feet of frontage on U Street, a depth of approximately 145 feet and a lot area of 2,820.25 square feet. The site is improved with an eighty-two story structure occupying 100 percent of the lot.

3. The property is bounded by V Street to the north, Wallach Place to the south, 13th Street to the east and 14th Street to the west. The predominate land uses characteristic of this area are one to two story commercial and industrial structures, row structures, a three-story garden apartment building, a city recreational facility and shopping/service establishments on 14th Street. On U Street in the vicinity of the subject site, the majority of the structures are vacant with the exception of an auto body shop at 1351 U Street. East of the subject property towards 13th Street, is a Washington Metro Area Transit Authority (WMATA) construction yard site. One block west of the site is the D.C. Government Reeves Center office building.

4. The applicants propose to convert their structure into a tunnel through car wash. Because the property is fully developed, the applicants are unable to provide reservoir spaces. They are therefore requesting a variance from Section 721.2(a) of the Zoning Regulations that requires them to provide reservoir spaces for at least 15 vehicles.

5. As proposed by the applicants, cars will enter the car wash from U Street. A curb cut is proposed for the front of the site. The cars will line-up two abreast. Eleven cars can wait in the tunnel while one car is washing. When more than eleven cars would be awaiting entrance, employees of the car wash will direct these vehicles on U Street to continue down the street past the

these vehicles on U Street to continue down the street past the facility rather than have them wait on the street obstructing the flow of traffic. These cars would circle the block and enter when space becomes available.

6. The equipment to be used is capable of washing one car every 59 seconds. The applicant expects an average of 40 cars per hour - a number well within the maximum of 60 cars per hour.

7. No detailing (vacuuming, waxing, etc.) will be conducted on the premises. After passing through the car wash tunnel, the cars will exit onto a 30-foot wide public alley that runs perpendicular to the rear of the site. The lot located at 1357 U Street, N.W. will be available for detailing.

8. The car wash would operate six days a week. The hours were not yet determined. The applicants had also not yet decided exactly where on the property the fees would be collected. The booth would not, however, be located at the entrance or exit.

9. Accordingly to the applicants' civil engineer, the proposed curb cut would be 12 feet from the nearest existing curb cut at 1351 U Street (Lot 29). The 30-foot public alley to the rear of the site, is connected to a 15-foot public alley leading either to U Street or V Street, approximately 120 feet from their intersections with 14th Street. In the engineer's view, this traffic flow path will keep the alleys clear at all times.

10. The Office of Planning (OP), by report dated September 21, 1988 and through testimony at the hearing, recommended that the application be denied. OP indicated that it recently studied the area and submitted a proposal to the Zoning Commission recommending rezoning of much of the C-M zoned 14th Street Corridor area. OP is proposing that the U Street Corridor be classified as a mixed use Commercial/Residential District with an Arts District Overlay. In OP's view, the applicants' proposed use would be inconsistent with the proposed rezoning of the area.

OP noted that both 14th Street and U Street are classified as principal arterial routes in the area and serve as major bus/commercial vehicle traffic routes. These routes accommodate major cross town traffic movement. The public alley is used by emergency and trash vehicles as well as other property owners in the square. In OP's opinion, use of the street and public alley by the applicants' customers would create an adverse impact on traffic in the area.

11. The Department of Public Works (DPW), by memorandum dated November 3, 1988, opposed the proposed variance. DPW noted that the site is located near the Samuel Jackson Plaza, the Reeves Center and the planned entrance for the U Street Metrorail Station

on 13th and U Streets, N. W. All of these facilities generate, or will generate, heavy pedestrian traffic. DPW further noted that 14th and U Streets are major automobile and Metrobus corridors to downtown and across town. These principal arterial streets, in conjunction with the scheduled opening of the U Street Metro Station in 1990, will create a point of convergence for a number of buses, cars and pedestrians.

According to DPW's analysis, the car wash project would create serious off-site operational problems due to the queued vehicles extending onto U Street as soon as the rate of arrival reaches 20 vehicles per hour. An intolerable amount of congestion would result on U Street. In DPW's experience, cars going to a car wash always block the sidewalk. This will create a problem for those pedestrians in the area who may have to cross the car wash driveway. A denial of this application is therefore recommended.

12. Advisory Neighborhood Commission (ANC) 1B, by letter dated September 21, 1988, and through testimony at the hearing, recommended denial of the application. ANC 1B noted that the proposed curb-cut would be 25 feet from the crosswalk; that at the time of the application, bus stops were located approximately 50 feet to the north of 14th Street and across 14th Street; that after the metrorail station opens, the bus stops will be replaced at the corner of 14th and U Streets; and that the site is located between the Reeves Center and the proposed subway station. ANC 1B is concerned that the car wash will impair the safety of the large number of pedestrians that will be in the area because many of them will have to cross the driveway of the car wash as they walk to their destination. ANC 1B is also concerned that children who use the alley behind the site to access the playground across the alley will be endangered by the cars leaving the car wash.

ANC 1B pointed out that the car wash will obstruct the flow of traffic on U Street because most people will wait in line on U Street, disregarding the attendant's gestures to proceed past the facility. Others will make U turns on U Street so as not to lose their place in line since V Street is one-way and an inconvenient route back to the facility.

ANC 1B raised the issue whether the public alley could legitimately be used by the business without action by the District of Columbia City Council. Finally, ANC 1B expressed the view that the proposed car wash is inconsistent with the recommended zoning changes in the area. The ANC is of the opinion that to allow the car wash will be of substantial detriment to the public good for the reasons stated above.

13. The Board agrees with the views of ANC 1B regarding the granting and endangerment of pedestrians in the area. The Board also agrees that the proposed use will impair the flow of traffic.

14. There was no further testimony in support of, or in opposition to, the application. Two letters of support were submitted into the record.

CONCLUSIONS OF LAW AND OPINION:

Based on the foregoing Findings of Fact and evidence of record, the Board concludes that the applicant is seeking a variance to allow the establishment of a car wash without the required 15 reservoir parking spaces. The granting of variances requires a showing through substantial evidence of a unique or exceptional condition of the property such as exceptional narrowness, shallowness, shape or topographical conditions. The Board further must find that granting the requested relief will not be of substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan. The Board concludes that the applicant's have not met this burden of proof.

In the Board's view, the small size of the lot and its 100 percent lot occupancy are conditions which create a practical difficulty for the owner in his efforts to provide the required number of reservoir parking spaces. However, the Board is of the opinion that to grant the relief as requested will create dangerous conditions for the many pedestrians in the area and for the children who walk through the alley to the playground behind the site. It is also the opinion of the Board that cars frequenting the facility would obstruct the flow of traffic in the immediate vicinity of the site. The Board therefore concludes that to grant the variance will be of substantial detriment to the public good and will substantially impair the intent and purpose of the zone plan.

The Board has afforded ANC 1B the "great weight" to which it is entitled. Accordingly, it is hereby ORDERED that the application is DENIED.

VOTE: 5-0 (Carrie L. Thornhill, William F. McIntosh, Paula L. Jewell and Charles R. Norris to deny; Lloyd D. Smith to deny by proxy).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY: _____

A handwritten signature in dark ink, appearing to be 'GK' followed by a long horizontal stroke, is written over a solid horizontal line.

BZA APPLICATION NO. 14870
PAGE 5

FINAL DATE OF ORDER: MAR 8 1991

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

14870ord/LJP

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



BZA APPLICATION NO. 14870

As Executive Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that a letter has been mailed to all parties, dated MAR 8 1991 and mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and to is listed below:

Mr. & Mrs. Henry B. McCall
3200 Alabama Ave., S.E.
Wash, D.C. 20020

Robert E. Lee
31825 Bay View
Avon Lake, Ohio 44012

James A. Price, Esq.
1747 Penn. Ave., N.W.
Wash, D.C. 20006

Peter A. Gallerizzo
19645 Muncaster Road
Rockville, MD 20855

Claven A. Wood
1351 U Street, N.W.
Wash, D.C. 20009

Stanley J. Mayes, Chairperson
ANC 1B
519 Florida Ave., N.W.
Wash, D.C. 20001

Clarence Martin
416 23rd Place, N.W.
Wash, D.C. 20002

Joseph Reese
2009 14th Street, N.W.
Wash, D.C. 20009



EDWARD L. CURRY
Executive Director

DATE: MAR 8 1991

attest-9/LJP